HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition no. 10 (S/S) 2005

Abhimanyu Rana S/o late Sri Vikram Singh Rana,
Resident of village Danoli, P.O. Khandosi,
District Tehri Garhwal,
At present Chaman State Library, Munssorie,
District Dehradun. ----Petitioner.

Versus

1. State of Uttaranchal through
   Secretary Education, Dehradun,
2. Director Education, Subhash Road, Dehradun,
3. Joint Director of Education, Garhwal Mandal,
   Pauri Garhwal, Uttaranchal,
4. District Education Officer, Dehradun. ---Respondents.

Mr. Atul Bahuguna, holding brief of Sri Vonod, learned counsel for the petitioner,
Learned Standing Counsel for respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Atul Bahuguna, learned counsel for the petitioner and learned Standing Counsel for the respondents.

The present writ petition has been filed by the petitioners for the following reliefs:-

i. To issue a writ, order or direction in the nature of mandamus commanding the respondents to consider the case of the petitioner to be appointed under the U.P. dying-in-harness rules 1974 as provided under the rules within a stipulated period,

ii. Issue any suitable writ, order or direction, which this Hon'ble Court may deem fit and proper on the basis of the facts and circumstances of the case,

iii. Award the cost of the petition to the petitioner .

The brief facts, as narrated in the writ petition, are that the father of the petitioners late Sri Vikram Singh Rana died on 28.05.1983 while serving as L.T. Grade teacher in Govt. Inter College, Reiwala district Dehradun. After the death of the petitioner's father, the mother of the petitioner has submitted an application to the authorities concerned that the son and the daughter of the deceased are minors and the widow is not in a position to do the Govt. job, as there is no one else to look after the minor children. The claim for appointment under dying-in-harness rules is now being sought for the son of the deceased who has became major. After passing of B.Com. final examination in the year 2000, the petitioner moved an application for appointment under dying-in-harness rules to the authorities of the respondents' establishment. The said application was moved on 10.09.2002, but till date no decision was taken by the respondents. Consequently, the present writ petition has been filed.

It is not disputed that the father of the petitioner died on 28.05.1983. The petitioner is claiming appointment under dying-in-harness rules, after about 19 years of the death of his father as he has moved the said application in the year 2002. The purpose for making the Rules is to provide appointment to the bereaved dependant of the deceased (Govt. employee) who has expired during the service and to save the family from sudden financial crisis. After 19 years of the death of petitioner's father, the petitioner cannot claim that the family of the deceased is still facing financial crisis, which the family was facing at the time when his father (Govt. employee) was expired. The mother of the petitioner could have applied at the

time of the death of her husband for providing Govt. job under dying-in-harness rules but as stated in the writ petition, the wife of the deceased has specifically stated in the application moved before the authorities that she is not in a position to do the Govt. job.

In the circumstances mentioned above, I do not find any force in the writ petition. The petition is, therefore dismissed. No order as to costs.

(M.M. Ghildiyal, J.)

August 8, 2006:
NCM: